

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 04-10361-NG
)
)
JOHN HANDY,)
)
 Defendant.)

**GOVERNMENT'S MOTION TO EXCLUDE THE TIME
FROM FEBRUARY 3, 2006 THROUGH FEBRUARY 28, 2006,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on February 3, 2006 and concluding on February 28, 2006.

As grounds therefor, the undersigned states that at the Status Conference held on December 12, 2005, counsel for the defendant had sought an additional 3-4 weeks to file a motion to suppress evidence (his suppression motion was originally due for filing on December 2, 2005), and the government had requested 3-4 weeks to file an opposition to said motion. The Court granted the additional time requested by the parties, and ordered that the defendant file his motion to suppress by January 6, 2006, and that the government file its opposition to said motion by February 3, 2006. As of February 3, 2006, the defendant had not

file any dispositive motions. As a result, at the government's request, the Court has scheduled a further Status Conference for February 28, 2006.

WHEREFORE, the government respectfully requests, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on February 3, 2006, and concluding on February 28, 2006**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Dated: February 7, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronic court filing and/or regular mail:

Timothy G. Watkins, Esq.
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/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney